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26/11/07

(24)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5560 of 2007

PETITIONER Rewaram Sahu aged 57 years Son of late Shri Ramsingh Sahu, Peon, Municipal Corporation, Durg.

Versus

RESPONDENTS

1. Municipal Corporation, Durg Through the Commissioner, Municipal Corporation, Durg
2. Ramkisan Patel, Chaukidar/Peon, Municipal Corporation, Durg (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Somkant Verma, counsel for the petitioner.

ORAL ORDER
(23.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that the petitioner was initially appointed as Zaribaksh by order dated 31.10.86 in Municipal Corporation, Durg. Thereafter, he was working on the post of Peon in Account Section. Thereafter, by order dated 12.5.2006, he has been directed to work as Ratri Choukidar.

Learned counsel for the petitioner submits that by this order, the cadre of the petitioner has been changed, therefore, the order is bad in law.

I have perused the contents of the order (Annexure-P/1). The order simply says that the petitioner, who is working on the post of Peon in Account Section, is being transferred to Main Office to work as a night Watchman. The order clearly shows that it was a transfer of the department, not that of the

post or cadre. This is clear from the wordings used in the order and also from the heading of vertical column No.3.

In view of the above, I do not find any force in the argument advanced by the learned counsel for the petitioner.

The petition has no merit, the same is not worth admission and it is accordingly dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti